

Public Chapter 351

HOUSE BILL NO. 1062

By Representatives McMillan, Patton, Sands, Boyer, Brenda Turner, McDaniel

Substituted for: Senate Bill No. 746

By Senator Cohen

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 6 and Section 49-6-902, relative to child custody orders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a), is amended by adding the following new subdivision:

(3) Except when the court finds it not to be in the best interests of the affected child, each order pertaining to the custody or possession of a child arising from an action for absolute divorce, divorce from bed and board or annulment shall grant to each parent the rights listed in subdivisions (A) through (F) during periods when the child is not in that parent's possession or shall incorporate such rights by reference to a prior order. Other orders pertaining to custody or possession of a child may contain the rights listed in subdivisions (A) through (F). The referenced rights are as follows:.

(A) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;

(B) The right to send mail to the child which the other parent shall not open or censor;

(C) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;

(D) The right to receive directly from the child's school upon written request which includes a current mailing address and upon payment of reasonable costs of duplicating, copies of the child's report cards, attendance records, names of teachers, class schedules, standardized test scores and any other records customarily made available to parents;

(E) The right to receive copies of the child's medical records directly from the child's doctor or other health care provider upon written request which contains a current mailing address and upon payment of reasonable costs of duplication;

(F) The right to be free of unwarranted derogatory remarks made about him or her or his or her family by the other parent to or in the presence of the child.

Any of the foregoing rights may be denied in whole or in part to one or both parents by the court upon a showing that such denial is in the best interests of the child.

SECTION 2. Tennessee Code Annotated, Section 36-6-104, and Tennessee Code Annotated, Section 49-6-902, shall be amended by inserting the following language between the words "card" and "be" in the fifth line of the section:

" , notice of school attendance, names of teachers, class schedules, standardized test scores and any other records customarily available to parents"

and shall be further amended by adding the following language between the words "card" and "to" in the seventh line of the section:

" , notice of school attendance, names of teachers, class schedules, standardized test scores and any other records customarily available to parents"

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 1997, the public welfare requiring it.